

Constitutional Amendment Issues

How the amendment gets to the ballot

For a Constitutional amendment to appear on the ballot, a resolution must be passed by two consecutive sessions of the general assembly. The first passages must be by a majority in each house. The second passage must be by a two-thirds vote in each house. The question must then appear on the ballot at the next general election where a governor is selected. Article XI, Section 3, Tennessee Constitution.

The Ballot

Constitutional amendments are placed on the ballot directly after the candidates for governor. T.C.A. §2-5-208(f)(1). If the question exceeds three hundred (300) words, the Attorney General's office may prepare a summary. Neither question on this year's ballot exceeds 300 words. The language reflects the wording of the resolutions, but is put in the form of a question. A "yes" vote is a vote to amend the Constitution while a "no" vote is a vote not to amend the Constitution.

Counting the votes

In order for the amendment to pass and become part of the Constitution, two things must happen:

- 1) The amendment must get more "yes" votes than "no" votes; and
- 2) The number of "yes" votes must be a majority of the votes cast in the gubernatorial election.

To determine the votes needed, all votes for all candidates for governor are added together. This number is divided by two or halved. The number of "yes" votes must exceed that number. If the number of "yes" votes exceeds the number, the Constitutional amendment passes and becomes part of the Constitution.

Voting

Despite the fact that the number of votes cast for governor is used to determine the outcome, it is not necessary to vote in the governor's race in order to vote on the Constitutional amendment. Likewise, it is not necessary to vote for an amendment in order to vote in the governor's race.

Amendment #1 (Marriage)

Passage of the amendment would define marriage as being between one man and one woman.

Amendment #2 (Property Tax Relief)

Passage of the amendment would allow, but not require, the legislature to implement a program of property tax relief for persons sixty-five (65) years of age or older.

Constitution Amendment #1

Shall Article XI of the Constitution of the State of Tennessee be amended by adding the following language as a new, appropriately designated section:

SECTION____. The historical institution and legal contract solemnizing the relationship of one man and one woman shall be the only legally recognized marital contract in this state. Any policy or law or judicial interpretation, purporting to define marriage as anything other than the historical institution and legal contract between one man and one woman, is contrary to the public policy of this state and shall be void and unenforceable in Tennessee. If another state or foreign jurisdiction issues a license for persons to marry and if such marriage is prohibited in this state by the provisions of this section, then the marriage shall be void and unenforceable in this state.

Yes ☐

No ☐

Constitution Amendment #2

Shall Article II, Section 28, of the Constitution of the State of Tennessee be amended by inserting the following language immediately after the fourth paragraph:

By general law, the legislature may authorize the following program of tax relief:

(a) The legislative body of any county or municipality may provide by resolution or ordinance that:

(1) Any taxpayer who is sixty-five (65) years of age or older and who owns residential property as the taxpayer's principal place of residence shall pay taxes on such property in an amount not to exceed the maximum amount of tax on such property imposed at the time the ordinance or resolution is adopted;

(2) Any taxpayer who reaches the age of sixty-five (65) after the time the ordinance or resolution is adopted, who owns residential property as the taxpayer's principal place of residence, shall thereafter pay taxes on such property in an amount not to exceed the maximum amount of tax on such property imposed in the tax year in which such taxpayer reaches age sixty-five (65); and

(3) Any taxpayer who is sixty-five (65) years of age or older, who purchases residential property as the taxpayer's principal place of residence after the taxpayer's sixty-fifth birthday, shall pay taxes in an amount not to exceed the maximum amount of tax imposed on such property in the tax year in which such property is purchased.

Yes ☐

No ☐

